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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, MARIA NGUYEN,  
and WILLIAM BYATT, individually and on  
behalf of all similarly situated,

Plaintiffs,

v.

GOOGLE LLC and ALPHABET INC.,  
Defendants.

Case No. 5:20-cv-03664-LHK

**DECLARATION OF ANDREW H.  
SCHAPIRO IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

Judge: Honorable Lucy H. Koh

Date: December 4, 2020

Time: 1:30 p.m.

Courtroom: 8, 4th Floor

Judge: Honorable Lucy H. Koh

**DECLARATION OF ANDREW H. SCHAPIRO**

I, Andrew H. Schapiro, declare as follows:

1. I am a partner with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Defendant Google LLC in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Illinois and admitted to practice *pro hac vice* in the Northern District of California by this Court. Dkt. 37. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a screenshot of the desktop browser version of Chrome's "You've gone incognito" pop-up screen, which I last accessed by going Incognito in the publicly available Chrome browser on August 20, 2020.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a screenshot of the mobile device version of Chrome's "You've gone incognito" pop-up screen, which I last accessed by going Incognito in the publicly available Chrome browser on August 20, 2020.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Google's Privacy Policy in effect between March 25, 2016 and June 28, 2016, which I last accessed on August 20, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160325>.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Google's Privacy Policy in effect between June 28, 2016 and August 29, 2016, which I last accessed on August 20, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160628>.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Google's Privacy Policy in effect between August 29, 2016 and March 1, 2017, which I last accessed on August 20, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20160829>.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Google's Privacy Policy in effect between March 1, 2017 and April 17, 2017, which I last accessed on August 20, 2020 on the publicly available website <https://policies.google.com/privacy/archive/20170301>.

1           8.       Attached hereto as **Exhibit 7** is a true and correct copy of Google's Privacy Policy in  
2 effect between April 17, 2017 and October 2, 2017, which I last accessed on August 20, 2020 on the  
3 publicly available website <https://policies.google.com/privacy/archive/20170417>.

4           9.       Attached hereto as **Exhibit 8** is a true and correct copy of Google's Privacy Policy in  
5 effect between October 2, 2017 and December 18, 2017, which I last accessed on August 20, 2020 on  
6 the publicly available website <https://policies.google.com/privacy/archive/20171002>.

7           10.      Attached hereto as **Exhibit 9** is a true and correct copy of Google's Privacy Policy in  
8 effect between December 18, 2017 and May 25, 2018, which I last accessed on August 20, 2020 on  
9 the publicly available website <https://policies.google.com/privacy/archive/20171218>.

10          11.      Attached hereto as **Exhibit 10** is a true and correct copy of Google's Privacy Policy in  
11 effect between May 25, 2018 and January 22, 2019, which I last accessed on August 20, 2020 on the  
12 publicly available website <https://policies.google.com/privacy/archive/20180525>.

13          12.      Attached hereto as **Exhibit 11** is a true and correct copy of Google's Privacy Policy in  
14 effect between January 22, 2019 and October 15, 2019, which I last accessed on August 20, 2020 on  
15 the publicly available website <https://policies.google.com/privacy/archive/20190122>.

16          13.      Attached hereto as **Exhibit 12** is a true and correct copy of Google's Privacy Policy in  
17 effect between October 15, 2019 and December 19, 2019, which I last accessed on August 20, 2020  
18 on the publicly available website <https://policies.google.com/privacy/archive/20191015>.

19          14.      Attached hereto as **Exhibit 13** is a true and correct copy of Google's Privacy Policy in  
20 effect between December 19, 2019 and March 31, 2020, which I last accessed on August 20, 2020 on  
21 the publicly available website <https://policies.google.com/privacy/archive/20191219>.

22          15.      Attached hereto as **Exhibit 14** is a true and correct copy of Google's Privacy Policy in  
23 effect between March 31, 2020 and July 1, 2020, which I last accessed on August 20, 2020 on the  
24 publicly available website <https://policies.google.com/privacy/archive/20200331>.

25          16.      Attached hereto as **Exhibit 15** is a true and correct copy of Google's current Privacy  
26 Policy in effect on July 1, 2020, which I last accessed on August 20, 2020 on the publicly available  
27 website <https://policies.google.com/privacy>.

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1           17. Attached hereto as **Exhibit 16** is a true and correct copy of Google’s Terms of Service  
2 in effect between April 14, 2014 and October 25, 2017, which I last accessed on August 20, 2020 on  
3 the publicly available website <https://policies.google.com/terms/archive/20140414>.

4           18. Attached hereto as **Exhibit 17** is a true and correct copy of Google’s Chrome Privacy  
5 Notice archived on June 21, 2016, which I last accessed on August 20, 2020 on the publicly available  
6 website <https://www.google.com/chrome/privacy/archive/20160621/>.

7           19. Attached hereto as **Exhibit 18** is a true and correct copy of the “Search & browse  
8 privately” page from Google Help Center for computer devices, which I last accessed on August 20,  
9 2020 on the publicly available website  
10 <https://support.google.com/websearch/answer/4540094?co=GENIE.Platform%3DDesktop>.

11           20. Attached hereto as **Exhibit 19** is a true and correct copy of the “How private browsing  
12 works in Chrome” page from Google Chrome Help Center for computer devices, which I last accessed  
13 on August 20, 2020 on the publicly available website  
14 <https://support.google.com/chrome/answer/7440301?co=GENIE.Platform%3DDesktop>.

15           21. Attached hereto as **Exhibit 20** is a true and correct copy of the “Browse in private”  
16 page from Google Chrome Help Center for computer devices, which I last accessed on August 20,  
17 2020 on the publicly available website  
18 <https://support.google.com/chrome/answer/95464?co=GENIE.Platform%3DDesktop&hl=en>.

19           22. Attached hereto as **Exhibit 21** is a true and correct copy of the “Safeguarding your  
20 data” page from Google Analytics Help Center, which I last accessed on August 20, 2020 on the  
21 publicly available website <https://support.google.com/analytics/answer/6004245>.

22           23. Attached hereto as **Exhibit 22** is a true and correct copy of the “Policy requirements for  
23 Google Analytics Advertising Features” page from Google Analytics Help Center, which I last  
24 accessed on August 20, 2020 on the publicly available website  
25 <https://support.google.com/analytics/answer/2700409>.

26           24. Attached hereto as **Exhibit 23** is a true and correct copy of the “Measurement Protocol,  
27 SDK, and User ID Feature Policy” page from Google Analytics Measurement Protocol Guides, which  
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1 I last accessed on August 20, 2020 on the publicly available website  
2 <https://developers.google.com/analytics/devguides/collection/protocol/policy>.

3 25. Attached hereto as **Exhibit 24** is a true and correct copy of the “Google Publisher  
4 Policies” page from Google Ad Manager Help Center, which I last accessed on August 20, 2020 on  
5 the publicly available website <https://support.google.com/adsense/answer/1348695>.

6 26. Attached hereto as **Exhibit 25** is a true and correct copy of the “Platforms Program  
7 Policies” page from Google Platforms Policies Help Center, which I last accessed on August 20, 2020  
8 on the publicly available website <https://support.google.com/platformspolicy/answer/3013851>.

9 27. Relevant language in these Exhibits have been highlighted in yellow for the Court’s  
10 convenience.

11 I declare under penalty of perjury under the laws of the United States of America that the  
12 forgoing is true and correct. Executed this 20th day of August 2020, at Chicago, Illinois.

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14 /s/ Andrew H. Schapiro  
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